IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CENTRAL FAX CENTER MAR 2 9 2005

Application of: Frigg

Confirmation No.: 6817

Application No.: 10/695,392

Group Art Unit: 3732

Filed: October 29, 2003

Examiner: STOKES, Candice Capri

For: BONE PLATE

Attorney Docket No.: 8932-819 (232200-999215)

TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SIT:

The fee for processing the attached Terminal Disclaimer is believed to be \$130.00. Please charge the required fee to Jones Day Deposit Account No. 50-3013. A copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date:

March 29, 2005

Brian M. Rothery

Reg. No. 45,086 Reg. No. 35,340

JONES DAY

222 East 41st Street

New York, New York 10017

(212) 326-3939

Enclosures

Certificate of Facsimile Transmission

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

SYNTHES (U.S.A.) is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,669,701 B2 ("the '701 Patent") by virtue of an assignment from Robert Frigg to SYNTHES (U.S.A.) that was recorded on February 25,2003 at Reel 013792, Frame 0809.

SYNTHES (U.S.A.) is also the assignee of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/695,392) by virtue of the same assignment.

SYNTHES (U.S.A.) hereby disclaims the terminal part of any patent granted on the above-identified patent application that would extend beyond the expiration date of the '701 Patent, and hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that said patent is commonly owned with the '701 Patent.

SYNTHES (U.S.A.) further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

SYNTHES (U.S.A.) does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration dates of the full statutory term of the '701 Patent in the event that the '701 Patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or

terminally disclaimed under 37 C.F.R. 1.321(a) or (b), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of Petitioner pursuant to 37 C.F.R. 1.321(b)(1)(iv).

Respectfully submitted,

+2127557306

Date: March 29, 2005

Brian M. Rothery

Reg. No. 45,086 Reg. No. 35,340

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New York, New York 10017

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